

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSE A. DE LA PORTILLA,

Petitioner,

vs.

J. MYRICK, Superintendent, TRCI,

Respondent.

Case No. 2:16-cv-01365-MK
OPINION AND ORDER

AIKEN, District Judge:

Magistrate Judge Mustafa T. Kasubhai issued a Findings & Recommendation (F&R) (doc. 60) on March 21, 2019, recommending that Petitioner Jose De la Portilla's Petition for Writ of Habeas Corpus (doc. 2) be denied and dismissed with prejudice. Petitioner timely filed objections (doc. 65) to the F&R to which respondent responded (doc. 66). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a party objects to any portion of the Magistrate Judge's F&R, the district court must make a *de novo* determination of that portion of the Magistrate Judge's

report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered petitioner's objections and conclude there is no basis to modify the F&R. I have also reviewed the pertinent portions of the record *de novo* and find no errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Kasubhai's F&R (doc. 60) and therefore, petitioner's Petition for Writ of Habeas Corpus (doc. 2) is DENIED and this case is DISMISSED with prejudice. A Certificate of Appealability is denied because petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 3rd day of July 2019.

A handwritten signature in cursive script, appearing to read "Ann Aiken", is written over a horizontal line.

Ann Aiken
United States District Judge